



Atty Dkt. No.: 10991572-1
USSN: 09/426,111

EXPRESS MAIL NO. EV577672355US

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.181 Address to: Mail Stop: Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	10991572-1
	First Named Inventor	J. Robert Mitchell
	Application Number	09/426,111
	Filing Date	October 22, 1999
	Group Art Unit	1743
	Examiner Name	DWAYNE K. HANDY
	Title:	"FLUIDIC STRUCTURES WITHIN AN ARRAY PACKAGE"

Sir:

This petition is submitted to the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.181(a). This Petition is being filed in response to the Notice of Abandonment dated March 7, 2005. A two-month period for filing a petition to withdraw a holding of abandonment was given, making this Petition due on or before May 7, 2005. Accordingly, this Petition is timely filed.

Applicant hereby petitions for withdrawal of the holding of abandonment in the present application.

The Patent Office incorrectly indicated that the application was abandoned for failure to pay the requisite Issue Fee and publication fee within the statutory 3-month period. This is in error.

A Notice of Allowance issued in the above-captioned case on August 25, 2003, making the Issue Fee due on or before November 25, 2003. A Request for Continued Prosecution (RCE) was timely filed on November 24, 2003 with a certificate of Mailing under 37 C.F.R. §1.8. As provided for under 37 C.F.R. §1.8(b), the following evidentiary items are provided herewith to establish that the correspondence was timely filed in accordance with 37 C.F.R. §1.8(a):

- 1) a copy of the RCE as filed, including the certificate of mailing stating that the correspondence was deposited with the United States Postal Service (USPS) as first class mail on November 24, 2003; and
- 2) a copy of the stamped Return Postcard from the U.S. Patent and Trademark Office indicating that the RCE was received by the OIPE on December 1, 2003.

Under MPEP § 706.7(h) an "RCE is entitled to the benefit of a Certificate of Mailing under 37 C.F.R. § 1.8". Therefore, the applicants note that the Return Postcard from the U.S. Patent and Trademark Office showing that the RCE was received by the OIPE was erroneously stamped as received on December 1, 2003, when it should have been stamped as received by the OIPE on November 24, 2003, according to the Certificate of Mailing under 37 C.F.R. §1.8(a).

While no fee is believed due, the Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: April 6, 2005

By: 

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